IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

Bail Appl..No. 1690 of 2007()

Crime No.97/1999 of Panniyankara Police Station

: PETITIONER

AFSAL T.P., THERUVATH PUZHAYIL,
KANNANCHERY, KOZHIKODE DISTRICT
(PANNIYANKARA POLICE STATION LIMIT)

BY ADV. SRI.P.SANJAY
SRI.M.MUHAMMED SHAFI

RESPONDENTS:

STATE OF KERALA REPD. BY THE
SUB INSPECTOR OF POLICE, PANNIYANKARA THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1690 OF 2007 A

Dated this the 21st day of March, 2007

O R D E R

Petitioner, who is the 6th accused in Crime No.97/1999 of Panniyankara Police Station for offences punishable under sections 143, 147, 148 and 323 read with section 149 IPC, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.C.No.433/2006 on the file of the JFCM-VI, Kozhikode, the case against him was split up and refiled as C.C.No.688/2006. Non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after examining the explanation offered by the petitioner for his previous non-appearance and also after considering his contention that the co-accused in the case has been acquitted after trial.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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